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# SENATE CONCURRENT RESOLUTION

URGING THE UNITED STATES DEPARTMENT OF DEFENSE TO REASSESS PRIOR DETERMINATIONS AND CLOSURE DECISIONS UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT IN LIGHT OF EVOLVING SCIENTIFIC UNDERSTANDING OF PER- AND POLYFLUOROALKYL SUBSTANCES AND RECENT FEDERAL HAZARDOUS SUBSTANCE DESIGNATIONS.

1           WHEREAS, article XI, section 1, of the Hawaii State  
2 Constitution provides that, for the benefit of present and  
3 future generations, the State and its political subdivisions  
4 shall conserve and protect Hawaii's natural beauty and all  
5 natural resources, including land, water, air, minerals, and  
6 energy sources, and promote the development and utilization of  
7 these resources in a manner consistent with their conservation;  
8 and  
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10           WHEREAS, article XI, section 7, of the Hawaii State  
11 Constitution establishes that the State has an affirmative duty  
12 to protect, control, and regulate the use of Hawaii's water  
13 resources for the benefit of its people; and  
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15           WHEREAS, there exists an inherent tension between the  
16 operational autonomy of federal military installations within  
17 Hawaii and the State's constitutional obligation to safeguard  
18 public health, water resources, and the environment; and  
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20           WHEREAS, per- and polyfluoroalkyl substances (PFAS) are a  
21 class of synthetic chemicals characterized by environmental  
22 persistence, resistance to degradation, and mobility in water,  
23 and have been associated with adverse human health and  
24 ecological effects in scientific literature; and  
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26           WHEREAS, numerous military installations in Hawaii have  
27 historically used, stored, or disposed of PFAS in connection



1 with aqueous film-forming foam, industrial operations, aviation  
2 and vehicle systems, metal plating, maintenance activities,  
3 waterproofed textiles, medical applications, waste streams, and  
4 other treated materials and equipment; and  
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6 WHEREAS, the Comprehensive Environmental Response,  
7 Compensation, and Liability Act of 1980 (CERCLA) establishes a  
8 federal framework requiring investigation and remediation of  
9 releases of hazardous substances; and  
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11 WHEREAS, pursuant to Title 40 United States Code section  
12 9620, federal departments and agencies, including the United  
13 States Department of Defense, are subject to and must comply  
14 with CERCLA in the same manner and to the same extent as  
15 nongovernmental entities; and  
16

17 WHEREAS, under the United States Department of Defense's  
18 investigative framework, areas of potential interest are  
19 identified to evaluate locations where releases of hazardous  
20 substances, including PFAS, may have occurred; and  
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22 WHEREAS, current United States Department of Defense PFAS  
23 investigations in Hawaii have largely centered on aqueous film-  
24 forming foam-related areas of potential interest, which may not  
25 fully account for the broader range of PFAS-containing  
26 materials, operational uses, industrial processes, waste  
27 handling practices, and disposal pathways historically present  
28 at military facilities; and  
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30 WHEREAS, in multiple instances in Hawaii, certain areas of  
31 potential interest have been closed following limited  
32 investigation, without comprehensive sampling of groundwater,  
33 surface water, soil, sediment, stormwater systems, or wastewater  
34 pathways, or evaluation of potential off-base migration; and  
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36 WHEREAS, the United States Department of Defense has  
37 reported using Environmental Protection Agency Method 1633A for  
38 PFAS analysis related to surface water, groundwater, wastewater,  
39 leachate, soil, sediment, and biosolids, and Method 1633A is  
40 capable of detecting forty separate PFAS compounds; and  
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1 WHEREAS, site inspections and PFAS investigative reports at  
2 military installations frequently disclose results for only a  
3 limited subset of PFAS compounds, rather than the full suite of  
4 forty analytes that may be detected under Environmental  
5 Protection Agency Method 1633A; and  
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7 WHEREAS, recent federal designation of certain PFAS  
8 compounds as hazardous substances under CERCLA, together with  
9 evolving scientific understanding of PFAS persistence, mobility,  
10 and exposure pathways, warrants reassessment of prior  
11 investigative determinations; and  
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13 WHEREAS, the State is presently engaged in, or anticipates  
14 engaging in, negotiations and decision-making concerning  
15 military leases of state-owned lands, and informed lease  
16 determinations require full transparency regarding environmental  
17 contamination, monitoring status, investigative scope, and long-  
18 term remediation obligations; now, therefore,  
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20 BE IT RESOLVED by the Senate of the Thirty-third  
21 Legislature of the State of Hawaii, Regular Session of 2026, the  
22 House of Representatives concurring, that the United States  
23 Department of Defense is urged to reassess prior determinations  
24 and closure decisions under the Comprehensive Environmental  
25 Response, Compensation, and Liability Act in light of evolving  
26 scientific understanding of per- and polyfluoroalkyl substances  
27 and recent federal hazardous substance designations; and  
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29 BE IT FURTHER RESOLVED that the United States Department of  
30 Defense is urged to initiate or supplement additional  
31 preliminary assessments and site inspections where releases or  
32 substantial threats of release may not have been fully  
33 evaluated; and  
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35 BE IT FURTHER RESOLVED that the United States Department of  
36 Defense is urged to expand PFAS investigations at all military  
37 installations, sub-installations, training areas, medical  
38 facilities, industrial sites, and former operating locations  
39 within the State; and  
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41 BE IT FURTHER RESOLVED that such investigations should not  
42 be limited to aqueous film-forming foam use areas, but should



1 include evaluation of all reasonably foreseeable PFAS-containing  
2 materials, operational uses, waste streams, industrial  
3 activities, medical applications, and disposal practices  
4 historically present at military facilities; and  
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6 BE IT FURTHER RESOLVED that the United States Department of  
7 Defense is urged to conduct comprehensive sampling of all  
8 relevant environmental sources, including groundwater, drinking  
9 water sources, surface water, soil, sediment, stormwater  
10 systems, wastewater discharges, indoor air, and nearshore marine  
11 environments, and to evaluate potential migration beyond  
12 installation boundaries; and  
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14 BE IT FURTHER RESOLVED that the United States Department of  
15 Defense is urged to conduct total oxidizable precursor assay  
16 testing, where scientifically appropriate, and to publicly  
17 disclose complete analytical results for all PFAS compounds  
18 tested, including the full list of forty PFAS analytes measured  
19 under Environmental Protection Agency Method 1633 or any  
20 successor method; and  
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22 BE IT FURTHER RESOLVED that this body urges that, to the  
23 extent consistent with applicable law, the status of PFAS  
24 investigation, monitoring, disclosure, and remediation  
25 commitments be considered in any current or future negotiations  
26 regarding military leases of state-owned lands; and  
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28 BE IT FURTHER RESOLVED that certified copies of this  
29 Concurrent Resolution be transmitted to the United States  
30 Secretary of Defense and Adjutant General.  
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OFFERED BY: Mike Sabbat

